

Signed at Washington, D.C., this 7th day of April 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-9563 Filed 4-17-95; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95-028]

NASA Advisory Council, Earth Systems Science and Applications Advisory Committee (ESSAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee.

DATES: May 17, 1995, 8:30 a.m. to 5:30 p.m.; and May 18, 1995, 8:30 a.m. to 5:30 p.m..

ADDRESSES: National Aeronautics and Space Administration, MIC-7 Conference Room, 300 E Street, S.W., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert A. Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-1876.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The provisional agenda for the meeting is as follows: NASA Response to ESSAAC Recommendations; impact of NASA Streamlining on MTPE Science Program; the MTPE Strategic Plan; committee discussion; and findings, conclusions, and recommendations.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 12, 1995.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 95-9484 Filed 4-17-95; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-412]

Duquesne Light Company; Ohio Edison Company; The Cleveland Electric Illuminating Company; The Toledo Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-73, issued to Duquesne Light Company, et al., (the licensee), for operation of the Beaver Valley Power Station, Unit 2 (BVPS-2), located in Beaver County, Pennsylvania.

The proposed amendment would revise Technical Specification (TS) 4.6.2.2.d to delete the reference to the specific test acceptance criteria for the Containment Recirculation Spray Pumps and replace the specific test acceptance criteria with reference to the requirements of the Inservice Testing (IST) Program. In addition, the 18-month test frequency would be replaced with the test frequency requirements specified in the IST Program. The current footnote (1) pertaining to the performance of recirculation spray pump 2RSS*P21A would be deleted.

This proposed amendment is requested to be processed as an exigent TS change in accordance with 10 CFR 50.91(a)(6). Exigent processing is being requested because BVPS-2 entered Mode 5 for the purpose of performing its fifth refueling outage on March 25, 1995, and upon completion of testing of Recirculation Spray Pump 2RSS*P21A, the licensee concluded that this pump failed to satisfy the specific test acceptance criteria in TS 4.6.2.2.d. Pump disassembly for inspection and repairs commenced on April 5, 1995. The pump is scheduled to be reassembled and flow tested by April 12, 1995. BVPS-2 is currently scheduled to enter Mode 4 on May 4, 1995, at which time pump 2RSS*P21A is required to be operable. If the pump does not meet the specific test acceptance criteria currently in TS 4.6.2.2.d at that time, BVPS-2 will be prohibited from entry into Mode 4. With the proposed revision to TS 4.6.2.2.d, the actual performance of pump 2RSS*P21A could then be evaluated against accident analysis assumptions and the pump's acceptance criteria could then be revised under the provisions of 10 CFR 50.59 to establish

IST Program requirements that would continue to maintain the plant within the accident analysis assumptions. The licensee could not have foreseen this event since the pump's performance could not be tested until the plant entered Mode 5 on March 25, 1995.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The change does not result in a modification to plant equipment nor does it affect the manner in which the plant is operated. The Recirculation Spray System (RSS) pumps are normally in a standby condition and only operate during accident mitigation. Since the physical plant equipment and operating practices are not changed, as noted above, there is no change in the probability of an accident previously evaluated.

The proposed change will not lower the pump performance operability criteria for the RSS pumps. The required values for developed pump head and flow will continue to satisfy accident mitigation requirements and will be maintained and controlled in the Beaver Valley Power Station (BVPS) Unit No. 2 Inservice Testing (IST) Program.

Since the proposed change does not lower the RSS pump performance acceptance criteria, the containment depressurization system will continue to meet its design basis requirements. The proposed change will not impose additional challenges to the containment structure in terms of peak pressure. The calculated offsite dose consequences of a design basis accident (DBA) will remain unchanged since the one hour release duration remains unchanged. The ability of the RSS pumps to provide sufficient long term core cooling also remains unchanged. The proposed change in the RSS pump surveillance interval from 18 months

to every refueling, will not affect the ability of the pumps to perform as assumed in the Safety Analysis. Therefore, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

Based on the above discussion, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not alter the method of operating the plant. The recirculation spray system is an accident mitigation system and is normally in standby. System operation would be initiated following a containment pressure increase resulting from a DBA. The RSS pumps will continue to provide sufficient flow to mitigate the consequences of a DBA. RSS operation continues to fulfill the safety function for which it was designed and no changes to plant equipment will occur. As a result, an accident which is new or different than any already evaluated in the Updated Final Safety Analysis Report will not be created due to this change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The surveillance requirements for demonstrating that the RSS pumps are operable will continue to assure the ability of the system to satisfy its design function. Therefore, the proposed change will not affect the ability of the RSS to perform its safety function.

The containment spray system design requirement to restore the containment to subatmospheric condition within one hour will still be satisfied. This proposed change does not have any effect on the containment peak pressure since the containment peak pressure occurs prior to the initiation of any of the two containment spray systems.

There is no resultant change in dose consequences since the containment will continue to reach a subatmospheric pressure within the first hour following a DBA.

The ability of the RSS pumps to provide sufficient long term core cooling remains unchanged since the pump performance requirements will continue to be controlled in a manner to ensure safety analysis assumptions are met.

The proposed deletion of footnote (1) is administrative in nature and therefore does not involve a reduction in a margin of safety.

Therefore, based on the above discussion, it can be concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has requested and in a letter dated April 12, 1995, the licensee agreed to modify proposed TS 4.6.2.2.d to delete references to IST program acceptance criteria. This change will ensure that pump performance acceptance criteria be related to the

containment safety analysis. On this basis, the NRC staff proposes to determine that the amendment request, as modified, involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 18, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should

consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the

petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and made it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 10, 1995, as supplemented April 12, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania, 20037.

Dated at Rockville, Maryland, this 12th day of April 1995.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95-9505 Filed 4-17-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 150-00003 and License No. ARK-740-BP-1-94 EA 94-241]

Otho G. Jones (d.b.a. Jones Inspection Services) Alderson, Oklahoma; Order Suspending Authority Under General License (Effective Immediately)

I

Jones Inspection Services is the holder of Radioactive Material License ARK-740-BP-1-94 (License) issued by the State of Arkansas, an NRC Agreement State. The License, as amended on December 22, 1994, authorizes Jones Inspection Services to possess, store and use sealed radioactive sources in various radiographic exposure devices in the State of Arkansas. Jones Inspection Services does not hold a specific NRC license. In accordance with 10 CFR 150.20, a general license is granted to Agreement State licensees to conduct the same activities in areas under NRC jurisdiction (referred to as "reciprocity") provided that the NRC is notified and

the other provisions of 10 CFR 150.20 are followed.

II

On July 14, 1994, an NRC investigation was conducted to determine whether Mr. Otho G. Jones, dba Jones Inspection Services, was using regulated byproduct material in NRC jurisdiction without NRC authorization. Based on interviews with Mr. Jones, the sole proprietor of Jones Inspection Services, and on documents obtained from the Central Oklahoma Oil and Gas Company, the investigation confirmed that Jones Inspection Services had illegally used and possessed regulated byproduct material in Oklahoma, a non-Agreement State in which the NRC maintains regulatory authority over such material. The NRC's investigation determined that Jones Inspection Services stored three radiographic exposure devices containing sealed sources of radioactive material in Oklahoma from at least January 1, 1994, to July 1994, and that these devices had been used to perform industrial radiography in Oklahoma from April 1, 1994, to June 27, 1994 for Central Oklahoma Oil and Gas Company. The investigation also determined that these activities were conducted without NRC authorization. Specifically, the investigation found that Jones Inspection Services did not hold an NRC license as required by 10 CFR 30.3 and that Jones Inspection Services did not notify the NRC, in accordance with the provisions of 10 CFR 150.20, that it planned to conduct radiography at temporary job sites in NRC jurisdiction. Thus, these activities were not subject to inspection by the NRC to assure the protection of the public health and safety.

In a signed statement Mr. Jones provided to the NRC investigator, Mr. Jones said that he did not know he had to notify the NRC and did not know to whom the information should be provided. Further, Mr. Jones indicated that he "did think to call the NRC about reciprocity, but I am afraid of the NRC and did not want more hassle [sic] so I chose not to call them about working in Oklahoma." Furthermore, Mr. Jones was the sole proprietor of Tumbleweed X-Ray Company in September 1991 when that company was issued an NRC order specifically suspending its authority to conduct radiography activities in Oklahoma and other states in which NRC maintained regulatory authority.¹

¹ Otho G. Jones' previous company, Tumbleweed X-Ray Company, was prohibited by Order for conducting licensed activities in non-Agreement

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